



# **Paternity**



## ***What Is Paternity?***

Paternity is fatherhood. In the legal world, it refers to fatherhood that's been officially recognized.

## ***How Is Paternity Recognized?***

It can happen in a few different ways. If the mother of the child is married, the husband is presumed to be the father, and so nothing further needs to be done for him to have paternity. If the mother is not married, both parents can sign an acknowledgment of paternity, or they can go to court to have a judge declare paternity.

## ***How Do I Have A Judge Declare Paternity?***

You file a paternity lawsuit, which basically asks a judge to discover and declare who is (or who is not) the biological father. These types of lawsuits can come from the mother, from someone who thinks that he's the father, or from someone who is currently presumed to be the father but believes he is not the father (e.g. a husband whose wife had a child with another man). They can also be initiated by the state on behalf of a mother who's trying to establish paternity in order to collect child support.

## ***What happens in a paternity suit?***

In a paternity suit between the mother and the alleged father, one party files a Petition to Establish (or Dis-Establish) Paternity, and the other party is given the opportunity to admit or deny paternity. Both parties are allowed to request genetic testing. The judge reviews the Petition and the other party's response, and then usually orders a hearing to discuss everything. If the parties haven't ordered a paternity test, the judge might. When he gets the results (or some other confirmation of paternity), he'll issue an order declaring paternity.

In a paternity suit initiated by the state, it's similar, but the state files the Petition to Establish Paternity and does most of the work. The mother will need to call or visit the local attorney general's or social services office for an application, and then provide them with the information they request (usually information about the alleged father). The other party's obligations are the same: admit or deny paternity.

A few more points. Paternity suits often don't require hiring an attorney, but attorneys can be useful if the dispute will be contentious. Paternity tests are usually charged to the people who request them or to a father who mistakenly denied paternity and thereby forced the mother or judge to order a test that proved that he was the father. Finally, paternity laws differ by state, so make sure to talk to a legal assistance attorney about your state's requirements.

## ***Can I claim an "illegitimate" child as a dependent?***

The illegitimate child of a serviceman does not automatically become an eligible dependent for the purpose of military benefits. A serviceman's illegitimate child will be considered a military dependent, under Army Regulation 600-8-14, if the natural parents later enter into a valid marriage; there is a court order establishing the service member as the father; or the child resides in a household maintained by the service man for support. An illegitimate child born to a female service member is entitled to an ID card and other benefits.

***How do I establish paternity if both the mother and I agree that I am the father?***

You should start by signing the Affidavit/Acknowledgement of paternity. This is a document that is either on file at the county courthouse where the mother and the child are or that can be created by an attorney. This has to be signed in front of a notary public. The mother signs a similar document agreeing that you are the father, and petitions the court to enter an order declaring you are the father. If you wish to do this you should set up an appointment with a Legal Assistance Attorney.

***Need a Paternity Test?***

If you want a paternity test conducted on your child here in Korea, you can call Tricare at 736-7236. They will help you arrange an appointment with a Memorandum of Understanding hospital here in Korea that can conduct the test after the baby is born. Seoul National University Hospital, located in Jongro-Gru, Seoul, conducts the tests. Their number is (02) 740-8359. The test costs approximately 500,000 won . It takes about 10 days to get the results.

***What are the effects of paternity on Army benefits?***

- Eligibility for DEERS benefits.
- Eligibility for BAQ benefits for a male soldier with an illegitimate child.
- Support Obligation under AR 608-99.

	<b><u>Camp Casey Legal</u></b> Maude Hall Rm. 235, 730-3660	
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